

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.8035 OF 2006

Shri Vithal Sahakari Sakhar
Karkhana Limited, Venunagar
Gursale, Taluka Pandharpur,
District: Solapur.

.... Petitioner

- Versus -

1. Shri Navnath Gajendra Pawar,
residing at and post Gursale,
Taluka Pandharpur,
Dist: Solapur.

2. Judge,
Labour Court,
Solapur.

3. Member,
Industrial Court,
Solapur.

.... Respondents

Shri Kiran Bapat i/b M/s. Desai & Desai
Associates for the Petitioner.

Ms N.D. Buch with Ms B.B. Dholkia for
the Respondent (No.1).

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: DECEMBER 13, 2006

ORAL JUDGMENT:

1. Heard. Rule, returnable forthwith. By consent of the parties, the petition is heard finally.

2. The Writ Petitions involving identical orders are allowed by consent of the parties without examining the merits or demerits of the impugned orders and without

recording reasons in support thereof on merits. The impugned order in this petition is identical with those orders as such the same is also liable to be quashed and set aside and the matter is liable to be remitted back to the Industrial Court for re-adjudication on merits with reasoned order.

3. The Industrial Court is directed to dispose of the revision application by a detailed reasoned order dealing with all contentions raised by the petitioner.

4. The Industrial Court is expected to bear in mind that the orders of the Industrial Court are subject to writ jurisdiction of this Court. Reasoned order help this Court to read the mind of the adjudicating authority. In the absence of reasons, order becomes arbitrary and can be said to be in breach of principles of natural justice. Therefore, it is always necessary for the Industrial Court to record reasons in support of its order.

5. Since the order does not contain reasons, the impugned order is set aside. Matter is remitted back to the Industrial Court for decision afresh as expeditiously as possible, at any rate, within three months from the date of receipt of the copy of this order. All rival contentions are kept open.

6. The petition, accordingly, stands disposed of in terms of this order. Rule is made absolute with no order as to costs.

(R.M.S. Khandeparkar, J.)

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